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FRIEDRICH-ALEXANDER UNIVERSITÄT ERLANGEN-NÜRNBERG

FACHBEREICH RECHTSWISSENSCHAFT

Fachkonferenzen-Programm "Deutsch-Italienische Dialoge"
DAAD - German Academic Exchange Service

Call for papers

PhD-Workshop and expert seminar on:

"Participatory rights in the environmental decision making process and the implementation of the Aarhus Convention: a comparative perspective on the German and the Italian system"

Turin, July, 3/4/5 2014

The Friedrich-Alexander-Universität, Erlangen-Nürnberg, Fachbereich Rechtswissenschaft and the University of Turin, Dipartimento di Management will hold a workshop-style comparative conference on public participation in environmental law at the University of Turin on July, 3-5 2014.

We therefore call for papers on the following topics:

The participatory engagement of the civil society in environmental decisions is based on the idea that citizens, as well as authorities, have the environmental responsibility and ecological duty to care for the Planet. In law, this idea is transformed into participatory rights in administrative and court proceedings for the civil society, and into legal duties for the authorities in the decision making process.

As the participatory rights encumbered in the Aarhus convention are EU law due to Art. 191 (4) TFEU and EC-Directive 2000/35 and therefore to be implemented in Italy and Germany in a similar way, it is vital to analyze the commonalities and differences in the understanding of participation in these legal orders forming part of the same European legal order. Only by this understanding, a way of harmonisation and harmonised implementation of the common environmental law may be reached.

This leads to several questions, which will be discussed in panels:

1. **In what theoretical framework do environmental rights work? What is more relevant – substance or procedure, collectivity or individual interest?**

   The reasons for granting environmental rights are quite different within the respective legal orders: one might think more "individually" like in German law (individuals are granted rights if they are touched in their individual sphere. The environment itself does (traditionally) not have any rights, only indirect rights via the protection of health, life, property of the individual.) International and European law add a

collective perspective: the environment must be protected as a common interest or common good.

2. **Changes in public participation in *administrative* proceedings in environmental law – German and Italian perspective**

   The implementation of international and EU law has led to substantive changes in national administrative law. This panel looks at administrative procedures with a focus on public participation that is meant to effect protection of the environment in large scale projects. Which legal instruments are used? How are they meant to work for the intended goal? How does this function in practice? What were/are the difficulties with these approaches?

3. **Changes in public participation in *court* proceedings in environmental law – German and Italian perspective**

   Environmental rights and interest need not only be expressed before the final decision of the authority is taken, but "the environment" also requires standing before the courts. This can be organized by very different means: e.g. group action, individual action claiming public interest or the introduction of certain groups as "lawyers for the environment". This panel looks at the different models, the prerequisites in the respective legal orders, the necessary modifications of procedural law and the difficulties implied by their introduction via harmonization of laws.

4. **The (special) role of individuals and NGOs in the implementation of the Aarhus Convention**

   Protection of the environment cannot be reached without the participation of individuals and NGOs. What is their intended and factual role in the implementation of the AC? What role do the Italian and German statutes foresee for them? How vital is their role from a sociological or political perspective?

5. **A theoretical and practical (re-)construction of ecological duties: the other side of environmental rights**

   Where there are rights, there will also be duties. In environmental law these duties concern public authorities in the decision-making-process. What kind of duties is part of the AC and EU law? How are they implemented in national law? How can authorities be forced to comply with those duties by individuals or groups of individuals (e.g. in court proceedings, but also in soft law etc.)?

6. **Implementation of ecological duties: the legal recognition of "ecological interest"**

   What is meant by "ecological interest"? What legal rights and duties stem from this legal term? How can it be concretized and made workable in practice? Are there different meanings due to a different understanding of procedural law in Germany, Italy and/or the EU?

7. **Effects of three legal regimes (national, supranational and international) on the protection of common goods through public participation**

   How do the three legal regimes that require protection of the environment by public participation work together? To what effect? How do they modify and influence each other? Is it possible to find a common (harmonized) understanding of public participation and ecological interest?

The objective is to offer a comparative overview of the participatory rights for citizens and, as their counterpart, the duties for the authorities in Germany and in Italy as Member States of the European Union. To explore the practices related to participatory rights, we will use a case study method, comparing the German and the Italian legislation, administrative proceedings and case law.

On the basis of a questionnaire for the collection of data, which will be distributed among the participants preceding the conference as a factual background for our discussions, we will actually work together on a comparative study. This reflects a new methodological approach in comparative law based on comparison through the lens of International and EU law.

The conference takes place from **3/7/-5/7/2014** at the University of Turin, Turin, Italy.
In the panels **short presentations** (20-25 minutes) will be held and discussed.
The presenters/other participants can additionally apply for **chairing or co-chairing a discussion panel** in the case study on the second day.
Lawyers, civil servants and **judges** are asked to **present cases** (15-20 minutes) in order to acquire a non-academic perspective on public participation and the problems caused by the implementation of the Aarhus convention.
Presentations can be held in English, German or Italian; a translation-service will be available. However, in order to enable as many participants as possible to engage into discussions, working language during the conference will be mainly English.

We welcome all kind of contributions on these questions, but especially ask for early career researchers (**PhD-candidates and Post-Docs**) working in one of the above-mentioned fields (law, sociology, environmental studies, politics) to present their research to a wider public.
Funding for travel and accommodation is available.

To apply, a short abstract of the presentation (500 words) together with a CV and a list of publications (if available) should be sent to eva.j.lohse@fau.de, and to margherita.poto@unito.it.

Application deadline is **April 15th, 2014**. We will inform you, if your paper has been accepted, by May, 31st 2014.